

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

CHRISTINA MILES,)	
)	
<i>Plaintiff,</i>)	
)	Case No. 1:23-cv-97
v.)	
)	Judge Atchley
COMMISSIONER OF SOCIAL SECURITY)	
)	Magistrate Judge Wyrick
<i>Defendant.</i>)	

ORDER

On July 15, 2024, United States Magistrate Judge Cynthia Richardson Wyrick filed a Report and Recommendation [Doc. 29] pursuant to 28 U.S.C. § 636 and the Rules of this Court. Magistrate Judge Wyrick recommends that the Court approve the parties’ Joint Stipulation for Attorney Fees [Doc. 28] and grant Plaintiff an award of attorney fees pursuant to the Equal Access to Justice Act (EAJA) in the amount of \$7,300.00. Magistrate Judge Wyrick further recommends that the Court order that this award be payable to Plaintiff as the litigant.

Defendant has not filed an objection to the Report and Recommendation, and the time to do so has now passed.¹ The Court has nonetheless reviewed the Report and Recommendation, as well as the record, and agrees with Magistrate Judge Wyrick’s conclusions.

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Wyrick’s findings of fact and conclusions of law as set forth in the Report and Recommendation. [Doc. 29]. Thus, Plaintiff is granted attorney fees under the EAJA in the amount of **\$7,300.00**. In accordance with

¹ Magistrate Judge Wyrick advised that the parties had fourteen days in which to object to the Report and Recommendation and that failure to do so would waive any right to appeal. [Doc. 29 at 2 n.2]; *see* Fed. R. Civ. P. 72(b)(2); *see also* *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (“It does not appear that Congress intended to require district court review of a magistrate judge’s factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.”).

Astrue v. Ratliff, 560 U.S. 586 (2010), this EAJA fee is payable to Plaintiff as the litigant and may be subject to offset to satisfy any pre-existing debt the litigant may owe to the United States. If Plaintiff owes no debt to the United States, then the payment of EAJA fee can be made to Plaintiff's counsel to the extent that Plaintiff and Plaintiff's counsel have executed a valid fee assignment.

SO ORDERED.

/s/ Charles E. Atchley, Jr.
CHARLES E. ATCHLEY, JR.
UNITED STATES DISTRICT JUDGE